

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Manfred Ueberschar, et al.) Group: 1792
Serial No.: 10/783,864)
Filed: February 23, 2004)
Title: A MATERIAL WEB LAYERING METHOD)
USING A CURTAIN APPLICATOR) Examiner: Bareford, Katherine

REPLY BRIEF OF APPELLANTS

MS Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Examiner's Answer dated September 25, 2009, Appellants submit the following Reply Brief.

ARGUMENTS

The following comments and arguments are submitted supplemental to the arguments submitted in the Appeal Brief of Appellants' filed on July 23, 2009. Accordingly, the following remarks should be taken in conjunction with the arguments previously submitted and not as a replacement thereof. The following remarks are submitted responsive to the Examiner's Answer.

In paragraph 6 of the Examiner's Answer, the Examiner has correctly stated the grounds for the rejections. Appellants' arguments, regarding claim 35 are based on the dependency of claim 35 on claim 24, which remains unchanged.

Numbered paragraph 9 (pages 4-15) in the Examiner's Answer is largely copied without substantial change to the contents from the Final Office Action. Some of the references have

been changed to italics font and a few phrases are added without any substantive change to the Examiner's arguments previously on the record. Since this has already been addressed in Appellants' Appeal Brief, no further comments are made regarding this largely repeated text.

Contentions by the Examiner in the Examiner's Answer

Starting at page 16 of the Examiner's Answer, the Examiner has contended that the prior art references teach the enclosing of the space claimed by Appellants. The Examiner then indicates, "neither reference specifically provides for the exact format of the enclosing as claimed," but that the combination does. Nakamura et al. is clearly not enclosed, as can be seen in the figures and the lack of any such construct in the text therein. The teaching of Finnicum et al. is that specifically there is a space between the web and the walls. In contrast Appellants have claimed the step of enclosing the space bounded by the first and second curtain applicator units, the application medium curtains coming from the curtain applicator units, the paper web and the suction/blower box. Enclosing has a common meaning of "to close in on all sides", "to hold or to contain" (Webster's Encyclopedic Unabridged Dictionary of the English Language, 1989). Having space between elements (Finnicum et al.) and clearly not having any enclosure of the space between the curtains (Nakamura et al.) do not meet the clear meaning of the word "Enclosing". Since air is to be contained in the space, having an open space fails to enclose the space, particularly as claimed by Appellants.

The Examiner further argues that Appellants have not sealed off the sides of Appellants invention, yet in claim 24 as supported at page 8 of the specification as originally filed, Appellants indicate that space 44, "is enclosed by applicator units 16 and 22, application medium curtains 28 and 30, paper web 14 and suction/blower box 42." This clearly indicates that these

elements DO enclose the space. This enclosing is complete and if these components did not enclose the space it would do violence to the clear meaning of the word “enclosing.”

At page 18, the Examiner indicates that the advantages of Appellant’s invention would follow from the combination of the cited references, by “... providing the suggested pressure differential system and optimizing the specific pressure differential provided, for the particular curtain system used...” As previously indicated Finnicum et al. precludes the interaction of two curtains since only walls and one curtain partially bound the space of Finnicum et al. and there is no space enclosed in Nakamura et al. Since the construct of Appellant’s invention is not taught by the cited prior art references, the interaction of the pressure space with the two curtains does not follow from the cited references and can only be inferred using Appellant’s disclosure as a reference.

At page 20, the Examiner has indicated that the further limitation of claim 24, relative to the guide blades being immediately adjacent to the discharge nozzles and that the first curtain is intercepted by a doctor blade is suggested by the prior art references. Bülow et al. disclose a curtain coating apparatus having a planer deflector surface including a reservoir that holds solder resist. The solder resist falls from the reservoir then hits the deflector, runs along the deflector and then falls onto a circuit board. The deflector is not immediately adjacent to a discharge nozzle since the solder resist falls vertically downward (see Fig. 1 of Bülow et al.), while it may be adjacent it is not immediately adjacent, as Appellant’s have claimed in claim 24.

At page 22, the Examiner has not altered her position and has repeated arguments relative to the enclosing of the space that for the sake of brevity have been previously addressed by Appellants and are not again repeated.

At pages 24-31, the Examiner addresses claim 46, which includes the step of stabilizing the first curtain and the second curtain by applying a positive pressure in the space, by again

repeating arguments previously presented. Those arguments having been addressed by Appellants are not repeated here for the sake of brevity.

At page 31, the Examiner has addressed claim 39, indicating that the cited references in combination teach the positioning of a pressure differential device between the two curtain applicator units. Finnicum et al does have a pressure device that is located coming in through a wall of the device. That wall appears to be substantially parallel with the curtain and even using the construct that the Examiner has proposed, one in which Appellants contend is incorrect, that the wall can be replaced with another curtain, then the pressure device passes through the curtain and is not located between the two curtains as indicated by Appellants in claim 39.

At page 33, the Examiner has addressed claim 35 indicating that the dependency of this claim upon claim 24 is insufficient for patentability, which is consistent with the Examiner's position on claim 24, a position of which Appellants do not agree. For the reasons discussed herein and elsewhere Appellants maintain that claim 24 is in condition for allowance, which will then infer that claim 35 is in condition for allowance.

CONCLUSION

The foregoing arguments are further to the arguments previously presented in the Appeal Brief of July 23, 2009 and the responses previously filed during the prosecution of this application.

Appellants submit that claims 24-33, 35, 38, 39, 41-44 and 46, all of the pending claims, are definite and do particularly point out distinctive claim in the subject matter which the Appellants regard as the invention. Moreover, Appellants submit that no combination of the cited references teach, disclose, or suggest the subject matter of the amended claims. Accordingly,

Appellants again respectfully request the Board to reverse the final rejections of the appealed claims and allow the application to issue as a patent.

Respectfully submitted,

/Max W. Garwood, Reg. No. 47589/

Max W. Garwood
Registration No. 47,589

Attorney for Appellant

MWG/bd

Electronically filed November 25, 2009

TAYLOR & AUST, P.C.
142 S. Main Street
P.O. Box 560
Avilla, IN 46710
Telephone: 260-897-3400
Facsimile: 260-897-9300